

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

\$214,067.00 in U.S. Currency,)

Defendant.)

Civil No. 1:13-CV-750 (TJM/CFH)

STIPULATED SETTLEMENT AGREEMENT AND ORDER OF FORFEITURE

IT IS HEREBY STIPULATED AND AGREED by and between the plaintiff, United States of America, and its attorney, Richard S. Hartunian, United States Attorney for the Northern District of New York, Gwendolyn E. Carroll, Assistant United States Attorney, of counsel, and Steven L. Kessler, Esq., as attorney for the claimant, Eric Sobaczewski, that:

WHEREAS, the United States of America filed a Verified Complaint of Forfeiture *in Rem* of the defendant \$214,067.00 in U.S. Currency, in which it alleges that the defendant currency was used in violation of 21 U.S.C. § 841 and 18 U.S.C. §§ 1956 and 1960;

WHEREAS, Eric Sobaczewski is the person claiming ownership of the seized currency;

WHEREAS, Gwendolyn E. Carroll states upon information and belief that the known claimant to the defendant property is not in the military service of the United States and is not an infant or incompetent person; and

WHEREAS, the parties desire to settle this matter without the need for further litigation;

NOW THEREFORE, the parties agree as follows:

1. That of the original \$214,067.00 seized, \$149,846.90 shall be forfeited to the United States of America and the remaining balance of \$64,220.10 shall be returned to the claimant, Eric Sobaczewski, by and through his attorney Steven L. Kessler, Esq., via Electronic Funds

transfer.

2. That the claimant, Eric Sobaczewski, relinquishes and agrees to forfeit all of his right, title and interest in the \$149,846.90 to the United States of America.

3. That the claimant, Eric Sobaczewski, shall sign a release and hold harmless agreement in the form attached hereto.

4. That the claimant, Eric Sobaczewski, agrees that he did not substantially prevail in this claim, and each party agrees to bear its own costs and any and all attorneys' fees acquired as the result of the seizure are the claimant's responsibility.

5. The United States Department of Homeland Security shall be directed to dispose of the forfeited \$149,846.90 in accordance with law.

6. The United States Department of Homeland Security shall be directed to return the remaining balance of \$64,220.10 to the claimant, Eric Sobaczewski. A wire transfer in the amount of \$64,220.10 will be made to claimant's attorney, Steven L. Kessler, Esq., on behalf of Eric Sobaczewski.

7. The terms and conditions herein represent the whole and complete agreement between the parties, and no other terms, conditions, previous agreements, or memoranda will be demanded, excepted, requested or performed by the parties.

8. This Court shall retain jurisdiction in the cause for the purpose of enforcing the terms of this agreement.

RICHARD S. HARTUNIAN
UNITED STATES ATTORNEY
Northern District of New York

Dated: 3/21/14



Gwendolyn E. Carroll, Assistant U. S. Attorney
James T. Foley Courthouse Room 218
445 Broadway
Albany, New York 12207
(518) 431-0247

Dated: March 19, 2014



Steven L. Kessler, Attorney for claimant
Eric Sobaczewski
The Law Offices of Steven L. Kessler
100 Park Avenue
34th Floor
New York, New York 10017-5516
(212) 661-1500

ORDER

THIS COURT having before it the Stipulated Agreement of the parties to the above-referenced action, and the parties having agreed to its terms as indicated by their signatures, it is hereby;

ORDERED, that the sum of \$149,846.90 in U.S. Currency is forfeited to the United States of America and shall be disposed of in accordance with law by the United States Department of Homeland Security, and it is further;

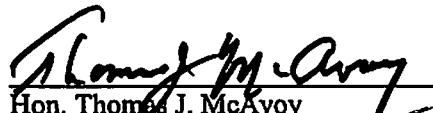
ORDERED, that the United States Department of Homeland Security, pursuant to the terms set forth above, shall return the remaining balance of \$64,220.10 in U.S. Currency, to the claimant, Eric Sobaczewski, by and through his attorney, Steven L. Kessler, Esq., The Law Offices of Steven L. Kessler, 100 Park Avenue, 34th Floor, New York, New York 10017-5516, via wire transfer, and it is further;

ORDERED, that each of the parties bear its own costs, and it is further;

ORDERED, that the Clerk of the Court shall enter a judgment of forfeiture to the United States of America in accordance with the terms of this Order;

ORDERED, that upon entry of this ORDER, the United States shall dismiss its civil forfeiture complaint 1:13-CV-750 (TJM/CFH) with prejudice.

Dated: March 26, 2014


Hon. Thomas J. McAvoy
Senior United States District Judge

HOLD HARMLESS AND RELEASE AGREEMENT

Property Seized: \$214,067.00 in U.S. Currency

Released To:

Name: Eric Sobaczewski

Address: 52 Talcott Rd City: Glastenbury
State CT Zip: 06033

Telephone No. 347 882 3677

In consideration of the return of \$64,220.10 of the \$214,067.00 in United States Currency seized, I, Eric Sobaczewski, hereby release and forever discharge the United States, Department of Justice and Department of Homeland Security and their officers, agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims and/or demands whatsoever in law or equity which, I, Eric Sobaczewski, or my heirs, successors, or assigns ever had, now have, or may have in the future in connection with the detention, seizure and/or release by agents of the Department of Justice, of the above listed property.

I, Eric Sobaczewski, further agree to hold and save the United States, its officers, agents, servants and employees, their heirs, successors, or assigns, harmless from any claims by any other, including costs and expenses for or on account of any and all lawsuits or claims of any character whatsoever in connection with the detention, seizure, and/or release by agents of the Department of Justice of the above listed property.

Dated: March 19, 2014

BY:

Eric Sobaczewski
Eric Sobaczewski

Witnessed by:

[Signature]